

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10
DHA-02 ACDA-07 CIAE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
OIC-02 /113 W

-----260305Z 102241 /73

R 251345Z MAR 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 6202
INFO SECDEF WASHDC
JCS WASHDC

C O N F I D E N T I A L GENEVA 2278

OSD ALSO PASS TO AI/JA, NAVY JAG, DAJA-IA

E.O. 11652: GDS
TAGS: PFOR, PARM
SUBJECT: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW
-- MERCENARIES

1. NIGERIAN DELEGATION HAS CIRCULATED TO SEVERAL DELEGATIONS
ATTENDING DRAFTING COMMITTEE LATEST COPY OF NEGOTIATING TEXT OF
ARTICLE 42 QUATER FORMULATED BY AFRICAN DELEGATIONS IN GENEVA, AS
FOLLOWS:

QUOTE: ARTICLE 42 QUARTER

1. A PARTY TO THE CONFLICT SHALL NOT ACCORD THE STATUS OF A COM-
BATANT OR OF A PRISONER OF WAR TO ANY MERCENARY.

2. A MERCENARY IS ANY PERSON WHO

(A) IS NOT A MEMBER OF THE ARMED FORCES OF ANY STATE WHICH IS A
PARTY TO THE CONFLICT;

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(B) IS NOT A NATIONAL OF A PARTY TO THE CONFLICT NOR A RESIDENT
OF TERRITORY CONTROLLED BY A PARTY TO THE CONFLICT;

(C) IS SPECIALLY RECRUITED LOCALLY OR ABROAD ON BEHALF OF A PARTY
TO THE CONFLICT IN ORDER TO FIGHT IN THAT CONFLICT;

(D) DOES, IN FACT, TAKE PART IN THE HOSTILITIES; AND

(E) IS MOTIVATED TO TAKE PART IN THE HOSTILITIES ESSENTIALLY
BY THE DESIRE FOR PRIVATE GAIN OR, IN FACT, IS PROMISED
MATERIAL COMPENSATION SUBSTANTIALLY IN EXCESS OF THAT
PROMISED OR PAID TO OTHER COMBATANTS OF SIMILAR RANK
AND FUNCTION IN THE ARMED FORCES OF THAT PARTY.

END QUOTE

3. INITIAL REACTION U.K. AND OTHER WWESTERN DELEGATIONS IS THAT
PARAGRAPH ONE, IN DENYING PARTIES TO CONFLICT OPTION TO ACCORD
MORE FAVORABLE STATUS TO MERCENARIES, IS NOT LIKELY TO BE
ACCEPTED BY THEIR GOVERNMENTS. SORENSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, INTERNATIONAL LAW, HUMAN RIGHTS, PENAL SYSTEM, MERCENARIES
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Format: TEL
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Original Previous Classification: n/a
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Review Release Date: n/a
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TAGS: PFOR, PARM, NI
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